

## House Resolution 1517 (AM)

By: Representatives Sims of the 169<sup>th</sup> and Thomas of the 55<sup>th</sup>

## A RESOLUTION

1 Creating the House Study Committee on Funeral, Cemeterian, and Related Services; and for  
2 other purposes.

3 WHEREAS, there are many service areas relating to the loss of a loved one that need to be  
4 examined to ensure that the best interests of the citizens of this state are being served; and

5 WHEREAS, there is a new federal Medicaid resource exclusion rule for prearranged funeral  
6 plans requiring that Medicaid members who enter into a preneed contract with a funeral  
7 home deposit funds into an irrevocable escrow account or an irrevocable life insurance trust  
8 fund for prearranged funeral plans; however, Georgia law requires that such contracts be  
9 revocable; and

10 WHEREAS, Medicaid recipients who made their funeral arrangements using revocable  
11 escrow or life insurance trust funds and were previously eligible under the former rules may  
12 unintentionally be denied benefits under the new rule; and

13 WHEREAS, additional study and research in the area of such preneed contracts is needed;  
14 and

15 WHEREAS, cremation is a method used by many Georgians that raises certain issues such  
16 as the need for an adequate waiting time for the performance of an autopsy when necessary  
17 prior to cremation, and there is a need for established guidelines regarding the authority of  
18 a coroner to bury abandoned cremated remains; and

19 WHEREAS, there is a lack of specific requirements for the refrigeration of bodies prior to  
20 examination if there is a delay in the examination; and

1 WHEREAS, there is often a delay or lack in communication to the coroner of the county in  
2 which the disease or trauma that caused the death occurred, which leads to various problems  
3 such as delays in obtaining death certificates; and

4 WHEREAS, mortuary schools in this state have expressed a willingness to perform, on a  
5 limited basis, embalming of indigent bodies which would enable local authorities to preserve  
6 the body for identification while providing the mortuary school students the opportunity to  
7 obtain clinical work experience; and

8 WHEREAS, additional research and study is needed in order to determine the best methods  
9 of facilitating such an exchange between the local authorities and the mortuary schools so  
10 that it is done in a manner that is to the benefit of all concerned; and

11 WHEREAS, doctors and hospitals are presently required to sign death certificates within 72  
12 hours of an individual's death; however, numerous funeral service providers claim that they  
13 are often unable to obtain signatures within the current time frame; and

14 WHEREAS, such delays are the source of significant problems for the citizens of this state,  
15 since these complications affect their life insurance, wills, and other important areas; and

16 WHEREAS, there are instances in which funeral homes receive a body from a "diener" in  
17 such a condition unsuitable for embalming; certain education requirements, qualifications,  
18 and supervision for "dieners" may be needed to eliminate or reduce such instances where  
19 possible; and

20 WHEREAS, such issues relating to funeral, cemeterian, and related services warrant close  
21 study during the interim between the 2008 and 2009 regular sessions of the General  
22 Assembly.

23 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that  
24 there is created the House Study Committee on Funeral, Cemeterian, and Related Services  
25 to be composed of three members of the House of Representatives to be appointed by the  
26 Speaker of the House. The Speaker of the House shall designate a member of the committee  
27 as chairperson of the committee. The chairperson shall call all meetings of the committee.  
28 In addition, the committee membership shall include six nonlegislative members to be  
29 comprised of the following: the division director of the securities and business regulation  
30 division of the Office of Secretary of State, or his or her designee; the executive director of

1 the Georgia State Board of Funeral Service, or his or her designee; the president of the State  
2 Board of Cemeterians, or his or her designee; the Commissioner of Insurance of the State of  
3 Georgia, or his or her designee; the state registrar, or his or her designee; and the  
4 commissioner of community health, or his or her designee.

5 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,  
6 needs, issues, and problems mentioned above or related thereto and recommend any actions  
7 or legislation which the committee deems necessary or appropriate. The committee shall  
8 conduct such meetings at such places and at such times as it may deem necessary or  
9 convenient to enable it to exercise fully and effectively its powers, perform its duties, and  
10 accomplish the objectives and purposes of this resolution. The members of the committee  
11 shall receive the allowances provided for in Code Section 28-1-8 of the Official Code of  
12 Georgia Annotated. The allowances authorized by this resolution shall not be received by  
13 any member of the committee for more than three days unless additional days are authorized.  
14 The funds necessary to carry out the provisions of this resolution shall come from the funds  
15 appropriated to the House of Representatives. In the event the committee makes a report of  
16 its findings and recommendations, with suggestions for proposed legislation, if any, such  
17 report shall be made on or before December 31, 2008. The committee shall stand abolished  
18 on December 31, 2008.